

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MIND MEDICINE (MINDMED) INC., a  
British Columbia Corporation,

Case No. 2:23-cv-01354-MMD-EJY

Plaintiff,

## ORDER

V.

SCOTT FREEMAN, an individual, and FCM  
MM HOLDINGS, LLC, a Wyoming Limited  
Liability Company,

## Defendants.

11 Before the Court is Defendant Scott Freeman’s Motion to Seal. ECF No. 74. The Motion  
12 seeks permission to maintain a redacted copy of Exhibit 33 to his Special Motion to Dismiss (ECF  
13 No. 75) under seal. Two sentences on page two of the exhibit are currently unavailable to the public.  
14 The Court previously expressed concern regarding whether the information sought to be sealed was  
15 properly sealed. On November 9, 2023, Mind Medicine filed its Response to ECF No. 74 stating:  
16 “The sentences quoted in Exhibit 33 includes scurrilous and outlandish allegations that baselessly  
17 call Ms. Vallone’s ethics into question.” ECF No. 93 at 2. Mind Medicine further states: “No motion  
18 pending before the Court quotes from the letter. Indeed, any reliance on the letter is limited to  
19 characterizations thereof—all of which is publicly available. For these reasons, balancing the  
20 competing interests of the public and Mind … Med[icine] weighs heavily in favor of redacting two  
21 sentences in Exhibit 33.” *Id.* at 3.

22 Controlling case law establishes a strong presumption of public access to judicial records.  
23 *Kamakana v. City of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006); *Foltz v. State Farm Mut. Auto.*  
24 *Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). To overcome the presumption when a dispositive  
25 motion is at issue, the moving party must demonstrate a compelling reason that supports maintaining  
26 the secret nature of the documents. *Kamakana*, 447 F.3d at 1180. The compelling reasons must  
27 outweigh the public’s interest in having access to the judicial records and in understanding the  
28 judicial process. *Id.* at 1178-79.

1       Here, while Defendant Freeman explains he does not necessarily believe the material meets  
2 the sealing standard, Mind Medicine demonstrates a sufficiently compelling reason to support  
3 maintaining the redactions on Exhibit 33.

4       Accordingly, IT IS HEREBY ORDERED that the Motion to Seal Exhibit 33 to Scott  
5 Freeman's Anti-Slapp Special Motion to Dismiss (ECF No. 74) is GRANTED.

6       IT IS FURTHER ORDERED that Exhibit 33 in the appendix supporting Scott Freeman's  
7 Anti-SLAPP Special Motion to Dismiss is and shall remain sealed.

8       Dated this 10th day of November, 2023.

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11       ELAYNA J. YOUCAH  
12       UNITED STATES MAGISTRATE JUDGE

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